K

1943.

K

File No. B. Rationing Preperatory Measures 43

Legal Department
B **BRANCH**

Subject:- Governor's Bill No I of 1943

A Bill to provide for the numbering of premises and Collecting information about persons as measure preperatory to the Rationing of Articles or thing essential to the life of the community

(K 1/F) Bom I of 1943

File No. K Rationing Preperatory Measures/43

Gen. 194 e.

115-B.

Office of the R. L. A.

It will not be possible to make an order in respect of the census of premises in the present case either under rule 81 (2) (f) or rule 132 of the Defence of India Rules as these rules presuppose the existence of the principal order of rationing under rule 81(2) (a). It is not also possible to have resource to any other rule. To achive the object in view it will be necessary to approach the Government of India for the amendment of the Defence of India Rules or to enact a saparate Governer's Act. As requested by the Commissioner of Supplies a ~~xxxxxxx~~ tentative draft Bill is appended.

Id/- P. N. M.
30/12

Remembrancer of Legal Affairs.

U.R. to the Commissioner of Supplies, No. 575 Confl. dated 30th December.

MR

SSD.
16-7-1956. 4c.

Office of the R. L. A.

None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935 or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay

2. The subject-matter of the Bill falls under entry 38 read with entry 29 and entries 37 and in the Provincial Legislative List and entries Nos.2 and 4 in the Concurrent Legislative List. It does not appear necessary to reserve the Bill for consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935. Under executive instructions the Bill will require the previous approval of the Governor General.

3. Three typed copies of the Bill are sent herewith. They may be forwarded to the Secretary to the Governor to-day.

Id/- P. N. M.
31/12

Remembrancer of Legal Affairs.

U.R. to the Commissioner of Supply, No. ,Dated December 1942

ESD.
16.7.56. 4c.

No. 149
Legal Department.
Bombay Castle, 7th Jan. 1943.

From

P. N. Moos, ESQUIRE; Bar-at-Law, ICC.S.,
Secretary to the Government of Bombay.

To The Secretary to the Governor.

Subject:- A Bill to Provide for the numbering of premises and collecting information about persons as measures preparatory to the rationing of ~~xxit~~ articles or things essential to the life of the community.

Sir,

With reference to the confidential Telegram No. 43-G dated the January 1943 from the Secretary to the Governor General (Public on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill provice for the numbering of premises and collecting information about persons as measures preparatory to the rationing of articles or things essential to the life of the community, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill effects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a). (b). (c) and (d) of paragraph XVII of ~~xxx~~ the Instrument of Instructions to the Governor Of Bombay.

3. The subject-matter of the Bill falls under entry 38 read with entry 29 and enrries 37 and 2 in the Provincial Legislative List and entries 2 and 4 in the ~~xxxix~~ Concurrent Legislative List in the Seventh Schedule to~~xx~~ the Government of India Act, 1935. Sub-clause (b) of the clause 3(1) is amended in consultation with the Finance Department in order to make it clear that the enumeration is not for its own sake (which would seem to be census) but for the special purpose of rationing. The preamble and long title are consequentially

amended. The clause as amended would be suitable to entry 38 read with entry 29 in the Provincial Legislative List rather than to entry 16 in the Federal Legislative List. The form of amendment suggested in the Government of India confidential Telegram in this respect is not suitable as it is essential for the successful working of rationing that persons not residing in the numbered premises or any premises but living on footpaths and open places should also get rationed food. The Bill does not contain any provision repugnant to the provisions of any earlier Federal law or existing Indian law with respect to any matter enumerated in the Concurrent Legislative List. It is not , therefore, necessary to reserve the Bill for consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

5. I am also to forward herewith one spare copy of the Bill.

Your obedient servant,

Id/- K. K. D.

For Secretary to the Government of Bombay,
Legal Department.

Through

The Secretary to the Government of Bombay
Finance Department.

CSD.
16.7.56 4c.

Acts :
Publication of the Bombay Rationing Preperatory Measures Act, 1943.

GOVERNMENT OF BOMBAY.

Legal Department.
Resolution No. 184.

Bombay Castle, 8th January 1943.

Letter to the Secretary to the Governor, No. 149, dated the 7th January 1943.

RESOLUTION :- The law should be published as Bombay Act No. I of 1943, in the Bombay Government Gazette dated the ~~[illegible]~~ 8th January 1943.

2. The Act should be translated into Marathi, Gujarati, kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act be forwarded to the Finance Department (Supply).

By order of the Governor of Bombay

Sd/- S. L. Chavdhari.

P.H. WOOD,
For (Secretary to Government).

To

The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department).
The Finance Department (Supply),)With a
The Oriental Translator to Government,)supply
The Secretary to the Bombay Legisla tive Council,) copy
The Secretary to the Bombay Legislative Assembly.)of the
) Act.

With five extra copies.

SSD.
16.7.56. 4c.

Legal Department.

The Bombay Rationing Preparatory Measures Bill, 1943 has received the assent of H.E. the Governor on the 7th January 1943 and it is being published to-day in the Bombay Government Gazette as Bombay Act I of 1943.

2. A draft notification under section 92 (1) of the Government of India Act, 1935, applying Bombay Act I of 1943 to the partially ~~excluded~~ excluded areas is sent herewith.

Id/- S. L. C.
8/1

For Secretary to Government.

U.R. to F.D. (Supply), No. 186, dated 8th January 1943.

SSD.
16.7.1956. 4c.

NOTIFICATION.

Finance Department (Supply)

Bombay Castle, 1943.

No. :- In exercise of the powers conferred by sub-sections (1) of section 92 of the Government of India Act, 1935 , the Governor of Bombay is herebby pleased to direct that the Bombay Rationing Preparetory Measures Act, 1943 (Bom. I of 1943) shall apply to the partially excluded areas in the Province of Bombay

By order of the Governor of Bombay,

Secretary to Government.

SSD.
16.7.56. 4c.

53 89/43/-

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

FRIDAY, 8TH JANUARY 1943.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	PAGES
BOMBAY ACT No. I OF 1943—An Act to provide for the numbering of premises and collecting information about persons as measures preparatory to the rationing of articles or things essential to the life of the community	19—22

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 7th January 1943, is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. I OF 1943.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 8th January 1943.)

An Act to provide for the numbering of premises and collecting information about persons as measures preparatory to the rationing of articles or things essential to the life of the community.

WHEREAS it is expedient to provide for the numbering of premises and collecting information about persons as measures preparatory to

the rationing of articles or things essential to the life of the community;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature 26 Geo ch. 2.

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Rationing Preparatory Measures Act, 1943.

(*2*) This section shall come into force at once. The Provincial Government may by a notification in the Official Gazette direct that the other provisions of the Act shall come into force in any area in the Province of Bombay on such date as may be specified in the notification.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*1*) "Inquiry Officer" means a person authorised under clause (*b*) of sub-section (*1*) of section 3 and includes any person appointed to assist him under sub-section (*2*) of section 3.

(*2*) "Numbering Officer" means a person authorised under clause (*a*) of sub-section (*1*) of section 3 and includes any person appointed to assist him under sub-section (*2*) of section 3.

Power to number premises and collect information about persons.

3. (*1*) If in the opinion of the Provincial Government it is necessary or expedient to carry out any of the following measures as preparatory to the rationing of any article or thing essential to the life of the community, the Provincial Government may—

(*a*) authorise any person in respect of any area to paint on or affix to any premises in that area such letters, marks or numbers as may be necessary for facilitating their identification;

(*b*) authorise any person in respect of any area to collect information and statistics necessary for the rationing in respect of all persons in that area.

(2) The person authorised under sub-section (1) may by order in writing appoint any other person or persons to assist him in carrying out the measures.

Asking of questions and obligation to answer.

4. (1) An Inquiry Officer may ask of any person such questions for the purpose of collecting information and statistics relating to the rationing of articles or things essential to the life of the community as the Provincial Government may notify in the Official Gazette.

(2) Every person of whom a question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge and belief, and if so required by the Inquiry Officer, to answer it in writing with his name signed thereto.

Right of access.

5. Every person occupying any premises shall allow the Numbering Officer or Inquiry Officer such access thereto as he may require for the purpose of his work:

Provided that in requiring access due regard shall be paid by such Officer to the social and religious customs of the occupier.

Penalties.

6. (a) Any Inquiry Officer who knowingly makes any false returns in connection with any inquiry conducted by him; or

(b) any person who voluntarily obstructs a Numbering Officer or Inquiry Officer exercising any powers or performing any duties under this Act; or

(c) any person who intentionally gives a false answer to or refuses to answer to the best of his knowledge or belief any question asked of him which he is legally bound by section 4 to answer; or

(d) any person who gives to any Inquiry Officer information which he knows or believes to be false intending thereby to cause or knowing it to be likely that he will thereby cause the Inquiry Officer to do or omit anything which he ought not to do or omit if the true state of facts respecting which the information is given were known to him; or

(e) any person occupying any premises who refuses to allow access to a Numbering Officer or Inquiry Officer as required by section 5; or

(f) any person who removes, obliterates, alters or damages before such date as the Provincial Government may in relation to any area specify in this behalf any letters, marks or numbers which have been painted on or affixed to the premises by a Numbering Officer;

shall be punishable with rigorous imprisonment which may extend to six months and shall also be liable to fine which may extend to five hundred rupees.

Bar of proceedings.

7. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

Sanction for prosecution.

8. No prosecution under this Act shall be instituted without the previous sanction of the Provincial Government or such officer as the Provincial Government may authorise in this behalf.

STATEMENT.

It is desirable to be prepared for the introduction of a system of rationing of foodgrains and other articles or things essential to the life of the community in any area in this Province in which it may become necessary to do so. In some areas, particularly in large cities, it may not be possible systematically to collect information about all persons unless all premises in the area are numbered. The Act provides for powers to carry out these preparatory measures. As any action prejudicial to the carrying out of these measures will seriously affect the interests of the community, a penalty of rigorous imprisonment with fine has been provided for a breach of the provisions of the Act.

"True copy - Original papers being of bad quality - Destroyed".

Superintendent,
D Branch, Legal Department.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.